IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLIATION NO.1337/06

Shri.Bitwa & Irfan Islam Khan .... Applicant

V/s.

The State of Maharashtra .... Respondent

Shri.R.D. Suryawanshi with Rahul S. Kate Adv. for the applicant.

Shri.R.Y. Mirza APP for the State.

CORAM : V.M. KANADE, J.

DATED : 18/04/06

P.C.:-

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. The applicant was arrested on 5/11/2005 in connection with C.R.No.I-131/2005 registered with Badlapur Police Station for the offences punishable U/s.376, 506 of IPC. Chargesheet has been filed.

3. It is alleged that the mother of prosecutrix took her to a doctor and it was found that prosecutrix was pregnant. Though complainant and father of child made inquiries, but prosecutrix did

not disclose the name of the person. Subsequently prosecutrix disclosed his name and therefore, complaint was lodged.

4. Defence of the applicant is that applicant and prosecutrix had love affair and it was consensual intercourse. Prosecutrix was 16 years of age when alleged offence took place. Since chargesheet has been filed, taking into considering facts and circumstances of the case, in my view, this is a fit case for grant of bail.

5. The applicant be released on bail in the sum of Rs.5,000/- with one or two sureties in like amount. The applicant shall report to Badlapur Police Station twice in a month. The applicant shall not enter the City of Badlapur without getting permission of I.O.

6. The applicant shall not tamper with the evidence or threaten the witnesses. If any complaint is received by the Investigating Officer, the Public Prosecutor is at liberty to file an application for cancellation of bail.

7. The Trial Court shall not be influenced by any observations made by this Court while deciding the application and they shall not be construed as an expression of opinion on merits of the case.

8. The application is accordingly disposed of.

V.M. KANADE J.